

IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

JANEY ARCHEY, et al.,

Appellants,

v.

ROBIN CARNAHAN, Missouri Secretary of State,

Respondent,

NANCY RICE, et al.,

Intervenors/Respondents.

DOCKET NUMBER WD75047

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: August 21, 2012

APPEAL FROM

The Circuit Court of Cole County, Missouri
The Honorable Patricia S. Joyce, Judge

JUDGES

Division Two: Ellis, P.J., and Ahuja and Pfeiffer, JJ.

CONCURRING.

ATTORNEYS

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MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

JANEY ARCHEY, et al.,)	
)	
Appellants,)	
v.)	
)	
ROBIN CARNAHAN, Missouri Secretary)	OPINION FILED:
of State,)	August 21, 2012
Respondent,)	
)	
NANCY RICE, et al.,)	
)	
Intervenors/Respondents.)	

WD75047

Cole County

Before Division Two Judges: Joseph M. Ellis, Presiding Judge, and Alok Ahuja and Mark D. Pfeiffer, Judges

Janey Archey, Jamala Rogers, Johnson Lancaster, and Justin M. Stein III (“Appellants”) brought a challenge to the legal sufficiency of the summary statement of the official ballot title of a proposed initiative petition relating to the establishment of a municipal police force by the City of St. Louis. Appellants appeal the judgment of the Circuit Court of Cole County, Missouri (“trial court”), approving the summary statement, asserting that the trial court erred in finding that the summary statement certified by the Secretary of State was fair and sufficient. Appellants do not dispute that the summary as prepared is a fair and sufficient summary of provisions in the proposed initiative; instead, they claim that the summary statement is unfair and insufficient because it inadequately and with bias, prejudice, deception, and favoritism failed to advise voters of two additional consequences of the proposed initiative.

AFFIRMED.

Division Two holds:

The summary statement prepared by the Secretary of State to describe an initiative must not exceed one hundred words and “shall be in the form of a question using language neither

intentionally argumentative nor likely to create prejudice either for or against the proposed measure.” § 116.334. Within the 100-word limitation, the summary statement is not required to set out the details of the proposal or resolve every peripheral question related to it. The test is not whether the summary statement prepared by the Secretary of State is the best language for describing the referendum; instead, the test is whether the language fairly and impartially summarizes the purposes of the measure, so that the voters will not be deceived or misled. A party challenging the language of the summary statement has the burden to show that the language was insufficient (inadequate; especially lacking adequate power, capacity, or competence) and unfair (marked by injustice, partiality, or deception).

The summary statement at issue was neither unfair nor insufficient based on the record before us and, contrary to the Appellants’ assertions, does not appear to be deceptive or misleading. The summary statement describes the primary objective of the proposed initiative: to permit any city not within a county to establish a municipal police force; to provide for an orderly transition in the governance of the police force; and to provide for an equitable employment transition for commissioned and civilian personnel.

Opinion by: Mark D. Pfeiffer, Judge

August 21, 2012

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.